UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
22nd meeting
held on
Wednesday, 3 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 22nd MEETING

Chairman:	Mr. KUKAN	(Slovakia)
later:	Mr. VAN DER HEIJDEN (Vice-Chairman)	(Netherlands)
later:	Mr. KUKAN (Chairman)	(Slovakia)

CONTENTS

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(b) EFFECTIVE REALIZATION OF THE RIGHT OF SELF-DETERMINATION THROUGH AUTONOMY (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/48/SR.22
30 November 1993

ORIGINAL: ENGLISH

93-82068 (E)

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(b) EFFECTIVE REALIZATION OF THE RIGHT OF SELF-DETERMINATION THROUGH AUTONOMY (continued) (A/48/147 and Add.1)

1. Mr. CASSAR (Malta) said that the head of State of Liechtenstein, His Serene Highness Prince Hans-Adam II, had rightly acknowledged, in introducing sub-item 108 (b) in the plenary Assembly, that many aspects of his initiative (A/48/147 and Add.1) were technically difficult or politically sensitive, or both. Indeed, the complex nature of the issues hindered immediate solution. Throughout history, States had evolved differing constitutional frameworks and institutions to ensure the enjoyment of human rights. In many instances, autonomy had provided a practical device for resolving complex situations which would otherwise have degenerated into conflict. In his introductory statement, the head of State of Liechtenstein had drawn a distinction between the concepts of "community" and "minority" and emphasized that the principal thrust of the initiative lay with the political and cultural aspirations of communities, which possessed - in a way that minorities did not - a degree of territorial and social cohesion.

2. In the view of Malta, that distinction could have significant impact on the welfare of peoples who had for centuries lived in relative harmony notwithstanding ethnic or religious differences. Their enjoyment of some degree of autonomy could help them to avoid being drawn or forced into conflicts, with the consequent fragmentation of States. It currently fell to the international community to save millions from such situations. A strong diplomatic effort was needed to explore ways of pre-empting potential conflict.

3. Mr. SHARMA (Nepal) said that, in the context of the right to self-determination, the adoption in General Assembly resolution 47/135 of the Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities had been an important achievement. Nepal believed that the various United Nations bodies concerned with the questions of self-determination and human rights were already well equipped to monitor the exercise of the right to self-determination. That right should be pursued through political dialogue and in keeping with the principles established under the relevant international instruments.

4. The concept of autonomy had been variously defined by States in accordance with their national conditions and objectives. At the international level, however, it remained vague. The United Nations should not lend its support to an open-ended interpretation of self-determination, which could only encourage the fragmentation of established political entities. It should likewise refrain from any action that could promote the use of the principle of the right to self-determination to justify interference in the internal affairs of States. Nor should the lofty concept of self-determination be put to use by subversive elements to undermine internationally recognized forms of expression of political will, such as open elections and representative government. Ensuring full respect for the rights of national minorities should not be confused with self-determination of peoples under colonial domination. His delegation felt

(Mr. Sharma, Nepal)

that the ramifications of that proposal should be closely studied at future sessions of the General Assembly.

5. Mr. AWOONOR (Ghana) welcomed the Liechtenstein initiative as a contribution to the universal search for durable peace. That initiative suggested, however, that any community (defined as possessing a distinctive social and territorial identity) should be recognized as having the inherent and inalienable right to self-determination. The international community was accordingly expected to devise a framework that would recognize the autonomy of such a community, and within which that community could evolve into independence.

6. The principle of self-determination, carefully enshrined in the Charter, had later found expression in the Declaration on the Granting of Independence to Colonial Countries and Peoples. In the view of Ghana - a country still struggling to throw off the after-effects of alien domination and determined to further the exercise of the right of self-determination by colonial countries and peoples - the Liechtenstein initiative seemed to undercut the premise that subjugated peoples had the right to struggle for freedom. If that initiative were to be accepted, under the Charter the term "nation" would come to mean simply a distinct territorial community.

7. The history of mankind, notably the history of Europe, had shown that a fierce, combative sense of distinctiveness had lain at the root of all major wars. It had provoked both the First and Second World Wars, and echoes of that philosophy were still heard in Africa. The sense of distinctiveness also tended to breed double or multiple political loyalty - a development widely recognized as destructive to the health of States. The ritual exorcism of the devil of multiple political loyalty had occurred gradually in African States; that process was often called "nation-building". If approved, the Liechtenstein initiative would roll back the progress made toward building nations out of diverse communities. Ghana commended efforts to seek strength in diversity, and objected to any initiative that smacked of balkanization. It remained strongly committed, as well, to the continental unity of Africa.

8. Sacrificing the principle of self-determination, or, on the other hand, encouraging the dismemberment of States, could not be seen as meaningful responses to the resurgence of nationalism and xenophobia. The extent to which the individual was empowered to participate in the Government of his or her State determined the coherence and harmony of that State. The solution lay not in the recognition of the distinctiveness of the minority, but in the recognition of and respect for the dignity of the human person. The melding of diverse communities into the larger human community was the way to peace. It could not be otherwise.

9. Ms. JUHASOO (Estonia) said that the widespread use over the years of the phrase "a right to self-determination" had skirted the question of who the subject of that right was, and what measures that subject was entitled to for the realization of that right. The Liechtenstein initiative (A/48/147 and Add.1) raised the question of the self-determination of communities other than those of colonial peoples and therefore represented a step forward. It also envisaged self-determination as a gradual process which could lead to autonomy and concomitantly prevent conflict.

(Ms. Juhasoo, Estonia)

10. The explanatory memorandum (A/48/147, annex) failed, however, to define adequately the term "community". The concept of a distinctive social and territorial identity could include not only colonial peoples and national minorities, but also migrant workers, refugees and other groups of displaced persons. It would be useful to explore whether the right of self-determination applied to all those groups; historically that right had been accorded to colonial peoples and indigenous national minorities. Before the Liechtenstein initiative could be implemented, the terms "autonomy" and "community" would need to be precisely defined.

11. The question of whether autonomy should be seen as a separating factor among communities, or a balancing link between a society and a community, must also be posed. If the term "community" were conceived in the broadest sense, the classical model of autonomy could certainly not apply. That model offered no solutions to the problems of communities whose members were dispersed over the territory of a country, as in the case of the Jewish and Romany peoples.

12. As early as 1925, Estonia had instituted a law on cultural autonomy, granting such minorities the right to their ethnic and religious identity. That law had enabled German, Jewish, Russian and Swedish communities to develop their national cultures and maintain their languages, and had also succeeded in neutralizing tensions between those communities and the State, which they began to view as a protector of their interests and a guarantor of their identity. After the 1940 Soviet occupation, however, that law had been abolished, and had not been re-enacted until 1993. Under that law, "cultural self-governments" were equal to local governments and were supported by the State. In the view of Estonia, non-territorial cultural autonomy was a flexible model which could profoundly benefit dispersed communities.

13. The Liechtenstein initiative could both expand opportunities for self-expression on the part of members of communities, thus reducing societal tensions, and could grant individual rights to those members, including the right to choose membership. Lastly, Estonia agreed that a discussion of that initiative should be pursued at the forty-ninth session of the General Assembly.

14. Mr. Van der Heijden (Netherlands), Vice-Chairman, took the Chair.

15. Mr. GANAPATHY (Malaysia) said that, having studied the explanatory memorandum annexed to the Liechtenstein initiative, his delegation had concluded that that approach would have the effect of expanding the meaning and scope of the principle of the right of self-determination beyond acceptable limits. The Declaration on the Granting of Independence to Colonial Countries and Peoples conferred that right only upon peoples under alien domination and exploitation.

16. Although the conduct of international relations was premised on the inviolability of the territorial integrity of sovereign nation States, the right of self-determination should indubitably be practised within States as well. That notion was, however, a wide departure from the concept of self-determination as contained in the Declaration. In the view of Malaysia, the internal right to self-determination should be interpreted as freedom of choice in free and just national elections. The expansion of the meaning of the right of self-determination to include communities within States would prompt

(Mr. Ganapathy, Malaysia)

the very situation that it was designed to forestall. It would dangerously undermine the modern concept of the nation State on which the current international order was founded. Such a new interpretation must not provide the pretext for communities within States to demand rights that were inherently incompatible with national unity and which could also lead to political unrest and even militancy.

17. A resilient democratic system that encouraged racial and religious tolerance and the full participation of all communities in political, social and economic development was the best guarantee against the marginalization of communities and the suppression of their rights. Ethnic, linguistic, religious and cultural differences should be managed by the fostering of democratic government and the promotion and protection of human rights. The pursuit of solutions within national contexts should obviate the need for a new international framework such as the one envisioned by Liechtenstein.

18. Mr. PALIHAKKARA (Sri Lanka) said that the progressive application of the right of self-determination had brought about a community of independent and sovereign States and provided the framework for promoting the fundamental rights and freedoms of the individual. In the post-cold-war era, however, certain disturbing interpretations of that right could undermine social cohesion, pluralism and democracy. While some States were moving towards political, social and economic integration, others were being torn apart by centrifugal forces. The cohesion of societies was being increasingly threatened and, in some cases, destroyed by ethnic or religious strife. It was essential, therefore, to determine whether the new interpretations of the principle of self-determination would help or hinder efforts to resolve extremely complex issues concerning individual freedoms, human rights, social cohesion, the territorial integrity of States and, ultimately, the viability of the international order.

19. The collective right of self-determination must undoubtedly be promoted in the case of peoples under foreign occupation and colonial domination. It was equally clear that the international human rights instruments, including the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, provided internationally monitored norms for ensuring the self-expression and human rights of individuals and groups. Accordingly, Sri Lanka shared the view that concerted action to ensure social peace and protect the human rights of the individual was the basis for preventing unlimited fragmentation and promoting self-expression in all its aspects.

20. An all-encompassing definition of the right of self-determination would lead to a proliferation of economically unstable and politically fragmented entities and run counter to efforts to promote good governance and democratic pluralism world wide. Accepted norms of human development should encourage the coexistence of diverse cultures and traditions and should not sanction exclusion or segregation when certain separatist groups lacking popular electoral support resorted to violence and even terrorism. Further elaboration of the principle of self-determination might in fact provide international protection for such groups.

(Mr. Palimakkara, Sri Lanka)

21. His delegation remained concerned about the desirability of further abstract discussion of possible new definitions of the right of self-determination. That, however, did not mean that the international community should do nothing with regard to potential or ongoing conflicts. General Assembly resolution 47/120, entitled "An Agenda for Peace: preventive diplomacy and related matters", outlined a pragmatic strategy for conflict prevention and resolution and provided a good basis for addressing the multiplicity of issues involved in peacemaking and peace-keeping in the post-cold-war era. In view of the complex nature of the various conflict situations around the world, it would be counterproductive to advocate a single new definition of the right of self-determination to address such security issues. Governments must be encouraged to develop and strengthen democratic institutions; and international efforts to promote human rignts world wide should be stepped up.

22. Secular government, enlightened socio-economic development policies, decentralization, the holding of free and fair elections and the tolerance and encouragement of social and political expression were among the time-tested ways to promote self-determination within States. Lastly, he reaffirmed Sri Lanka's abiding commitment to the right of self-determination as enshrined in the Charter of the United Nations and other international instruments and stressed that the international community should be cautious in further interpreting the principle of self-determination, which might encourage ethnic, religious or linguistic segregation of communities and give legitimacy to groups advocating armed conflict.

23. Mr. SOEGARDA (Indonesia) said that the principle of self-determination was of paramount importance to his country. As a founding member of the Movement of Non-Aligned Countries, Indonesia had joined with other countries to bring an end to the colonial era. However, his delegation seriously questioned the merits of the initiative by Liechtenstein (A/48/147 and Add.1), which would lead to a new interpretation of established guidelines concerning the right of self-determination. It was not clear how the right to freedom of expression would be enhanced through United Nations promotion of community autonomy. That initiative would undermine the territorial integrity and national unity of sovereign States, which were based on the principle of self-determination. His country upheld the right to self-expression by promoting the principles of democracy and the free exchange of ideas. The initiative under consideration sought in effect to reinterpret General Assembly resolution 1514 (XV) and would open up the unacceptable possibility of interference in self-government.

24. At the Tenth Conference of Heads of State of Government of Non-Aligned Countries, held in Jakarta in September 1992, deep concern had been expressed over the tendency to intervene in the internal affairs of other States under the pretext of protecting human rights or preventing conflict. The principle of self-determination should be used to promote nationhood, not to impair the territorial integrity of States. In addition to freedom from colonial rule, the right of self-determination also included the right to determine one's system of government, build a nation and participate in international relations on the basis of sovereign equality. Indonesia therefore opposed the Liechtenstein initiative because of its serious and far-reaching political and legal implications and potential for abuse.

(Mr. Soegarda, Indonesia)

25. Promoting autonomy for communities within countries whose independence had been achieved in accordance with international law could lead to fragmentation, infringement of State sovereignty and instability. The degree to which autonomy was granted to any community should be determined democratically within the national context, without external interference. The United Nations system had set up appropriate mechanisms for addressing violations of human rights. When international peace and stability were threatened, appropriate steps could be taken under Chapter VII of the Charter. The Liechtenstein initiative could pose a serious threat to national efforts to promote unity through diversity. Indonesia's population, the fourth largest in the world, was composed of approximately 300 ethnically distinct groups. All Indonesians were guaranteed equal rights under the Constitution. His country sought, not to erase the ethnic identity of communities, but rather to give them expression through the national democratic process. The emergence of 300 autonomous entities would undermine stability and impair the enjoyment of human rights and the welfare of all concerned.

26. Instead of promoting autonomy for communities, which would ultimately lead to the fragmentation of States with pluralistic societies, the international community should support Governments endeavouring to promote integration and stability, particularly developing countries seeking to overcome political, economic and social problems inherited from their colonial past. Accordingly, Indonesia considered that further discussion of the Liechtenstein initiative would be counter-productive.

27. Mr. Kukan (Slovakia) resumed the Chair.

28. Mr. ANSARI (India) said that, in the maintenance of international peace and security - a primary purpose of the United Nations - the focus was clearly on relations between sovereign States. The informal draft resolution being circulated by Liechtenstein went into areas that clearly exceeded the scope of the Charter, a basic principle of which was non-interference in the internal affairs of States. By its wording and implications, the informal draft resolution sought to determine domestic constitutional structures and failed to distinguish between two different concepts: self-determination and autonomy.

29. The concept of self-determination was a well-defined principle of international law, while the concept of autonomy related to constitutional theory and the domestic structures of sovereign States. Any effort to combine the two could only be viewed as an attempt to blur, if not eliminate, the distinction between domestic law and international law. Such an endeavour was fraught with danger and would be viewed by many as flagrant interference in the internal affairs of States. The Liechtenstein initiative dealt with matters that fell within the realm of domestic law and should be left to the judgement of individual States. Accordingly, his delegation shared the view of the overwhelming majority of Member States that further discussion of that matter should be deferred.

30. Mrs. KOVALSKA (Ukraine) said that the Liechtenstein initiative sought to bridge two opposite trends in society: integration and decentralization. It called for consideration of ways to ensure the realization of the right of self-determination through a more flexible and gradual process aimed at maintaining peace.

31. Her delegation fully supported the principles of democracy, respect for human and minority rights, respect for the inviolability of frontiers and the peaceful settlement of disputes. The proposed concept of "internal self-determination" was relevant to the current situation. While autonomy should be granted by the State, the form it took would depend on the specific circumstances of each country. Ukraine's view on the issue stemmed from its recent experiences of being subjected to pressure from a neighbouring State that had tried to infringe upon its territorial integrity.

32. A clear distinction must be made between self-determination and separatism, which was often instigated from abroad. In order to ease ethnic tensions in the Crimea, arising in part from the resettlement in the area of Crimean Tatars, the Parliament of Ukraine had granted substantial administrative autonomy to the Crimean peninsula; however, the situation remained tense. Ukraine had concluded from that experience that the possession of a distinctive social and territorial identity was not sufficient for a community to claim the right to self-determination.

33. The draft declaration on the rights of indigenous peoples currently being considered by the Subcommission on the Prevention of Discrimination and Protection of Minorities could be useful in the consideration of that matter. Unfortunately, no consensus had been reached on any of the three versions of that draft as a result of the politicization of the Subcommission's work. If the international community adopted a convention on the rights of minorities in addition to existing instruments relating to the right of peoples to self-determination, it could strengthen the legal basis for cooperation in that area.

34. Her country also attached vital importance to the role which regional cooperation - especially within the context of the Conference on Security and Cooperation in Europe (CSCE) - could play in strengthening its independence. However, a more active role by European countries in the events unfolding in the territory of the former Soviet Union would help to strengthen stability and security throughout Europe and the world at large.

35. The role of the United Nations at different stages of the realization of the right to self-determination should be reconsidered. International bodies might be given an enhanced role at the stage of nation-building. It would be desirable to formulate an international code of behaviour for States that were in the process of breaking up so as to ensure certain standards for the realization of the right to self-determination. In view of its importance and complexity, further in-depth study of the issue was needed.

36. Mr. MUTHAURA (Kenya) said that the clarity of the definition of the principle of self-determination as contained in the Charter and elaborated by the relevant General Assembly resolutions had been the basis for the success in

(Mr. Muthaura, Kenya)

the application of that principle. Kenya was sceptical about the possibility of developing a similar consensus within the General Assembly around the proposed principle of effective realization of the rights of self-determination through autonomy.

37. If the principle were to apply to individual communities in Member States, there would be a problem of agreeing on a universal definition of such a community. While it might be easy to separate some communities in terms of language, clans and geographical location, in some cases conflicts might develop among communities that were interwoven in geographical location yet separated in cultural, religious and other ethnic differences. An attempt to apply the proposed principle in such situations might create as many conflicts as the Organization was trying to resolve.

38. Autonomy might also vary in degree and according to the interests at stake. Some communities had been known to engage in struggles for autonomy solely for the purpose of taking control of natural resources for the exclusive use of their community to the detriment of others. The composition of populations in various countries was very divergent; that problem had been exacerbated by the colonial Powers, which had carved out artificial nations. In order to avoid the dangers posed by the emergence of mini-States in Africa, the Organization of African Unity had decided in 1963 to maintain the boundaries inherited from colonialism. One of the worst conflicts in Africa today, in Somalia, amply demonstrated that community autonomy might not necessarily guarantee the absence of conflict, since the Somali people shared a common language and religion and were one ethnic group. The cause of the conflict was clan divisions. In that regard, Kenya did not believe that the definition of the proposed principle would assist in the consolidation of African countries. It might be more useful to undertake further consideration of the proposed principle, taking into account the demographic and other characteristics of the various ongoing conflicts and the views expressed in the current debate.

39. Mr. AKRAM (Pakistan) said that, in the post-colonial period, the peoples' right to self-determination had been suppressed, often through foreign occupation and aggression. Those peoples who were still under foreign occupation had the right to struggle for the reassertion of their right to self-determination. Application of that right was evolving with respect to multi-ethnic States that had collapsed. At the current stage, a consistent approach to the application of the right to self-determination was necessary. Exercise of that right should be a free and genuine expression of the will of the people without coercion or external influence.

40. The Liechtenstein initiative was obviously more suited to Western Europe, where the problem of various communities or groups could be addressed through the extension of greater autonomy; it was, however, doubtful whether the concept of autonomy could be applied with equal facility to other parts of the world where the priorities for most States were to unite their constituents rather than diversify them. While autonomy could be useful in overcoming political and economic disparities in multi-racial and multi-ethnic States, it should not be extended to the point of calling into question the territorial integrity of

(Mr. Akram, Pakistan)

legitimately constituted States. Conversely, the concept of autonomy should not become a pretext or a device to delay self-determination by peoples under colonial or foreign occupation.

41. The continued occupation of the state of Jammu and Kashmir by India was a case of a disputed territory. Its political status was to be determined through a free and impartial plebiscite under United Nations auspices as mandated by the Security Council and accepted by India and Pakistan. However, in order to perpetrate its colonial rule, India had resorted to unilateral measures to annex the state which had been rejected by the Security Council.

42. While the absence of autonomy might be one cause of civil strife and tension, it could not be the sole or even the predominant cause. The three flexible stages of autonomy defined in the Liechtenstein initiative might not evolve smoothly or peacefully. Instead of eliminating tension, the transition from one stage to the other might spawn further strife. The response to the yearning for self-determination should be to promote pluralism, strengthen democratic institutions, ensure transparency and eliminate poverty.

43. While Pakistan had managed to introduce a greater balance into the informal draft resolution circulated by Liechtenstein, there were still a number of problematic conceptual issues which required further debate. The whole idea should be thoroughly examined, taking into account all its political and legal facets, by an expert intergovernmental forum, a study group or through any other appropriate United Nations mechanism.

44. Mr. SEDLÁK (Slovakia) said it was generally accepted that a declaration of full independence was not the only way of realizing the right to self-determination. Free determination by peoples of their political status might lead to various forms of coexistence within one State provided that such status was freely decided by the peoples concerned. Granting the right to self-determination to communities was a vague notion which required further study. While the right was a firmly established principle of international law, that law did not apply to communities. As for national minorities, their identity was protected by the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. However, as the title clearly showed, the Declaration referred to individuals and not to the minorities as such.

45. The concept of self-determination through autonomy should be applied on a case-by-case basis. Autonomy in all its stages and forms was optional: no rule of international law required a State to have a specific kind of internal structure. It would be more appropriate to speak about the constitutional autonomy of a State rather than about "internal self-determination".

46. Mr. PIRIZ-BALLON (Uruguay) said that he could not understand why some countries had serious reservations about supporting the informal draft resolution circulated by Liechtenstein. The draft merely requested the inclusion of the item in the provisional agenda of the forty-ninth session of the General Assembly. The proposal established clear parameters that highlighted the right of minorities and communities to negotiate degrees of autonomy allowing them to reaffirm certain political, cultural, ethnic and

(Mr. Piriz-Ballon, Uruguay)

religious rights which could not be ignored or denied without triggering armed conflict and violence. The draft drew attention to peaceful negotiation which could lead, as a last resort, to independence.

47. But independence could be achieved only with the approval of sovereign States. The draft resolution was not opening up a Pandora's box; it was trying to set out the way in which the application of the right to self-determination could be accepted by all. Failure to do so would be to run the risk of triggering a disaster with international ramifications. He appealed to the members of the Committee to support the draft resolution.

48. Mrs. FRITSCHE (Liechtenstein) first emphasized that, in proposing its initiative (A/48/147 and Add.1), her country was merely seeking the Committee's agreement to discuss the topic further the following year. Referring to the concerns voiced on substantive aspects of that initiative, she affirmed that it fully complied with the principles of respect for territorial integrity and non-interference in domestic affairs by offering autonomy merely as an optional mechanism for self-determination. That in no way restricted the application of the general right of self-determination. Fears of fragmentation were also misplaced, since the initiative envisaged autonomy as an alternative which would allow scope for self-expression and thus avert any unrealistic claims to independence. Nor did the initiative duplicate United Nations work on minorities and indigenous peoples; despite some overlap, the difference was that it focused principally on communities which had some territorial integrity.

49. Further work was required to define the concept of a "community", although no reference to the term was made in the informal draft resolution circulated. As a general working concept, however, the meaning of "community" was already clear enough. In addition, the concepts of "people" and "minority", often used in preference to the term "community", had no agreed definition. None the less, the General Assembly had not been deterred by that fact when adopting the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities at its forty-seventh session. While the difficulties of definition should not hinder consideration of substantive questions, the introduction of a new concept, such as "community", would pave the way for fresh thinking on the matters raised by the initiative. She hoped that, in the light of her clarifications, delegations would be prepared to agree to her country's very limited request for further discussion of the right of self-determination through autonomy.

50. Mr. EL DEEB (Egypt) emphasized the importance of the principle of the right to self-determination as a means of enabling all peoples to achieve their social and cultural aspirations and full participation in the political process. Given that the international community should encourage the peaceful resolution of conflicts, the application of that principle equally to all peoples, without regional distinction, should create a climate conducive to eliminating the causes of such conflicts. Article 7, paragraph 2, of the Charter specified the role of the United Nations in such matters, while compliance with international law demanded respect for the sovereignty and territorial integrity of States.

51. Mr. THEUERMANN (Austria) said that in recent years there had been a growing number of cases where claims of the right of self-determination had led to tragic conflicts and undermined the stability of entire regions. The right of self-determination should therefore be viewed in the framework of the need to improve international instruments relating to preventive diplomacy and early-warning mechanisms. While the right of self-determination was a universal human right, it must be carefully balanced against the principle of the territorial integrity of States. Existing international instruments did not provide an exhaustive definition of the right of self-determination. Many questions as to its content and the procedures for invoking it remained unanswered. Furthermore, it should be asked whether the concept of a distinctive "community" touched upon in the report of the meeting on the Liechtenstein initiative (A/48/147/Add.1) would help clarify the matter.

52. It was generally accepted that the right of peoples to self-determination was an open-ended concept which could be implemented in different ways. The freely expressed will of the people concerned was always essential in that regard. While the granting of autonomy was an important concept, it was not the sole means of implementing the right of self-determination. His delegation would welcome a debate on the many aspects of the principle of self-determination, which was of fundamental importance in current international relations and should be considered in order to maintain the democratic nature of the Organization. The forthcoming session of the Commission on Human Rights and the forty-ninth session of the General Assembly could provide an opportunity for such a debate.

53. Mr. ERDOS (Hungary) believed that the initiative proposed by Liechtenstein was likely to provoke a pragmatic discussion of the right to self-determination, while avoiding the political over-emphasis which had hampered past discussions on the subject. The mechanisms available to the United Nations for ensuring the exercise of that right should also form part of the same debate. With its roots in human rights and fundamental freedoms, the right of self-determination should be realized within the framework of an institutional structure capable of adapting to changing circumstances and dealing with conflicts which threatened peace and democracy. It was in that light that the Liechtenstein initiative had been conceived.

54. While the right of self-determination was associated with respect for the rights of national, ethnic and other minorities, it did not entail a right to secession and the creation of independent State entities. Social and economic stability, together with political credibility, was strengthened in States where minorities were able to preserve and further their identities. In Hungary, the minorities were legally autonomous and appropriate measures, including financial provision, were taken to protect their identity.

55. With reference to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, he said that minorities should be permitted to organize themselves. Various forms of autonomy should also be instituted, taking into account the disparate living conditions of minorities in different countries. The international community was now clearly considering in greater depth all matters concerning institutional guarantees protecting the identity of minorities; that development was an integral part of the realization of the right of self-determination. In conclusion, he said

(Mr. Erdos, Hungary)

that, despite the difficulty of the task, the changes in attitude would help to break down old prejudices and bring a fresh approach to discussions on the complex issue before the Committee. Hungary was prepared to take an active role in those discussions.

Statements in exercise of the right of reply

56. Mr. ANSARI (India) expressed astonishment that the statement of the Pakistani delegation on a conceptual matter should have turned into a diatribe against India. He was thus reminded of the unhealthy frame of mind typified by Cato the Elder, who had ended every speech with the words "Carthage must be destroyed". Since India and Pakistan were destined to live as neighbours, the only sane approach was to resolve their differences through discussion. His Government's offer to hold a comprehensive dialogue with Pakistan on all matters of interest was the course which should be followed in preference to the course of posturing.

57. Mr. AKRAM (Pakistan) replied that, just as Carthage had been completely destroyed, India was destroying Kashmir, which was fully occupied by a rampant army that was devastating the people and suppressing the right to self-determination. The United Nations, an association of sovereign Member States, aimed to maintain peace, resolve disputes and put an end to killing, and it was in that context that he had referred to Kashmir. The credibility of India's professed desire for good-neighbourly relations was not borne out by articles in the Indian press which reported that the Kashmiri problem had been created by rulers in New Delhi and that the Indian security forces had been slaughtering the people in Kashmir. He called on the Indian Government to end that killing by halting its campaign of repression and massacre in order to create peace. Sweet words were no substitute for action.

58. Mr. ANSARI (India) noted that his diagnosis of the mind-set of the representative of Pakistan appeared to have been confirmed. He merely wished to draw the latter's attention to the words of a great Pakistani poet, who had written: "You may signal reasonableness as often as you wish; the unreason of the tyrant sustains itself."

59. Mr. AKRAM (Pakistan) responded that his mind-set was irrelevant to the discussion, as he was speaking on behalf of the Government of Pakistan. The relevant issue was the mind-set of the Indian occupation army as projected by the massacres in Kashmir. He called upon the representative of India to use his influence with his Government to ensure a change in the mind-set of the Indian army, a lifting of its siege of Pakistan's holiest Islamic mosque and an easing of its campaign of repression in Kashmir.

The meeting rose at 1.05 p.m.